(2) PRIVILEGE MOTION *re* DELAY IN OBTAINING UNION GOVERNMENT'S SANCTION FOR LEGISLATION IN REGULATING THE BEEDI INDUSTRY.

DEPUTY SPEAKER : I have received notice of a privilege motion from Sri M. Kalyanasundaram. The hon. Member will explain the motion.

* SRI M. KALYANASUNDARAM : The Hon. Minister for Labour in his statement on my motion under rule 40 made on 25th of October 1956 had stated as follows :—

I may tell the hon. Member at the outset that the draft Bill relating to the beedi workers is ready and it will be published shortly in the Gazette. It will be taken up in the Legislature as early as possible, subject to availability of time and the time-table of the Legislature before the general elections.

From the above statement it is clear that the Bill was ready on 25th of October 1956, and that the Minister had intended to move the Bill in the subsequent session.

On 17th December 1956, i.e., on the first day of the commencement of this session, the Minister for Labour promised to bring in the Bill if the Leader of the House had agreed, when I raised this question in the Business Advisory Committee meeting. On 18th December 1956 the Hon. Minister for Labour had stated on the floor of the Assembly in Tamil as follows :—

"கனம் உதவி சபா நாயகர் அவர்களே, இந்த மசோதா தயாரிக்கப்பட்டு விட்டது. அதற்கு மேல் கவனம் செலுத்தப்பட்டு வருகிறது. கூடிய சீக்கிரத்தில் இந்த சட்ட சபைக் கூட்டத்திலே அந்த மசோதாவைக் கொண்டு வந்து நிறைவேற்றுவதற்கு முயற்சி செய்கிறேன் என்பதை மட்டும் இந்தச் சமயத்தில் சொல்லிக் கொள்கிறேன். முடியுமானால் அதை உடனே பிரசுரித்து சீக்கிரத்தில் சபை முன்பு கொண்டு வருகிறேன். கனம் அங்கத்தினர்களுடைய ஒத்துழைப்பும் இருந்தால்"

In this statement again the Minister made it clear that the Bill was ready and that it would be brought in this session.

On my further representation on 20th December 1956 the Hon. Minister instructed the Secretary of the Department of Industries, Labour and Co-operation to publish the Bill on 22nd December 1956 and to give simultaneously notice to the Legislature for moving the Bill on 26th December 1956. It was the duty of the Secretary of the Department concerned to have taken steps to obtain the concurrence of the Union Government, if it was considered necessary. And for this, there has been more than enough time since 25th of October 1956 when the first assurance was given. Having failed to do so, they did not point out to the Minister till 21st December 1956 morning that no step was taken for obtaining the concurrence of the Union Government. This is something more serious than just administrative failure. It is a deliberate attempt to violate the assurance given by the Hon. Minister on the floor of the House. Such an attempt, if allowed unresisted, is sure to undermine the the faith of the people in this august house and therefore amounts

to an act of contempt of this house. This is a serious case of breach of privilege and I beg to move that the matter be referred to the Committee of Privileges for suitable action.

Further, I wish to point out that it is not necessary to obtain the previous concurrence of the Union Government under the Constitution.

DEPUTY SPEAKER : May I know how this is relevant to the subject under discussion?

* SRI M. KALYANASUNDARAM : I will explain the facts and then say how this point is relevant. Kindly allow me to have my say. Let us know what the facts are.

Article 255 of the Constitution, which relates to this subject, reads as follows :—

No Act of Parliament or of the Legislature of a State specified in Part A or Part B of the First Schedule, and no provision in any such Act, shall be invalid by reason only that some recommendation or previous sanction required by this Constitution was not given, if assent to that Act was given—

(*a*) where the recommendation required was that of the Governor, either by the Governor or by the President:

(*b*) where the recommendation required was that of the Rajapramukh either by the Rajapramukh or by the President; and

(*c*) where the recommendation or previous sanction required was that of the President, by the President.

இந்த உரிமை பிரேரணை சம்பந்தப்பட்டவரையில் என்னுடைய அபிப்பிராயம் சர்க்கார் இலாகா காரியதரிசிகள் வேண்டுமென்றே சபையில் கொடுத்த வாக்குறுதியை சபையில் நிறைவேற்றுவதற்கு வேண்டிய நடவடிக்கைகளை அவர்கள் எடுக்கவில்லை என்பதுதான். அப்படி நடவடிக்கைகளை எடுக்காதது மட்டுமில்லை, எல்லா விதமான ஆட்சேபணைகளை கிளப்பி இந்த சபைக்கு கொண்டு வர முடியாதபடி செய்துவிட்டார்கள். அரசியல் சட்டத்தின் 255-வது சட்டத்தின்படி இந்த மசோதாவை கொண்டுவருவதற்கு முன் அனுமதி கட்டாயமாக வாங்கவேண்டும் என்பதில்லை. மசோதாவை நிறைவேற்றிவிட்டு பின்னால் ஜனாதிபதியின் சம்மதத்திற்காக அனுப்பினால் போதுமானது. எப்படியும் இந்த சபைத் தொடரில் வரக்கூடாது என்ற எண்ணத்துடன் இந்த மசோதாவுக்கு பலவிதமான ஆட்சேபணைகளை கிளப்பிவிட அவர்களுக்கு சந்தர்ப்பம் இருக்கின்றது. ஆகையினால் இந்த மசோதாவில் வேண்டிய நடவடிக்கை எடுக்காதது முதல் குற்றம். தவறிவிட்ட பிறகும் இந்த சபைக்கு தவறான கருத்தை தெரிவிப்பதற்கு தவறான முறையில் மந்திரி அவர்களுக்கு யோசனை கூறியது இரண்டாவது குற்றம். இந்த இரண்டு குற்றத்தையும் செய்த நீதி இலாகா, தொழில் இலாகா காரியதரிசிகள், மந்திரி அவர்கள் இந்த சபையில் கொடுத்த வாக்குறுதியை நிறைவேற்ற முடியாமல் அகௌரவப்படுத்தியிருக்கிறார்கள். ஆகவே இந்த இலாகா காரியதரிசிகள்மேல் விசாரணை செய்து நடவடிக்கை எடுப்பதற்கு உரிமை கமிட்டிக்கு இந்த தீர்மானத்தை அனுப்ப வேண்டுமென்று கேட்டுக்கொண்டு, இதன்மீது சபை விவாதிக்கவேண்டும் என்றும் கேட்டுக்கொள்கிறேன்.

27th December 1956]

THE HON. SRI C. SUBRAMANIAM: Sir, I am sure the mover of the motion himself is quite aware of the weakness of his case. In spite of the elaborate statement he made and the explanation that he gave in Tamil, I fail to understand how this subject can ever come under a privilege motion. It may be that certain officials have misbehaved; I am not quite sure about it because I have not looked into the matter to see what exactly had happened. But if any officials have misbehaved, it is a matter for action being taken against them and I do not think this could come under a privilege motion. Therefore I would request the Deputy Speaker to hold that no *prima facie* case has been made out as far as the privilege motion is concerned.

With regard to the allegation made by the hon. Member that certain officials purposely misled the Minister and wanted to see that this Bill did not come up before this House during this sitting, I shall look into it. But I am not quite sure whether the hon. Member is correct in his presumptions. I do not think we can question the bona fides and even the efficiency of our officers. If there had been any mistake, it should have been somewhere else. Anyway I am prepared to look into it.

DEPUTY SPEAKER: Sri M. Kalyanasundaram stated in the statement that he just made that the Hon. the Minister for Agriculture gave an assurance that he would bring in a Bill to regulate the service conditions of the beedi workers and that, as this assurance had not been implemented so far, it amounted to contempt of the House.

According to May, any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results, may be treated as contempt, even though there is no precedent for the offence. Acts of contempt have been classified under several heads and of these, contempt of the House itself is one. The following acts are generally considered to be contempt of the House, viz., wilful obstruction of the proceedings of the House, disobedience of the orders or rules which regulate the proceedings of the House, offering of bribe to a member, assaulting, challenging, threatening or otherwise molesting members on account of their conduct. May has also listed the following as 'constructive contempts', viz., speeches or writings reflecting on either House, publication of false or perverted reports of debates, etc., premature publication of a committee's proceedings or evidence, service of process or arrest within the House, etc.

The act referred to by the Member does not come within the scope of any of the above items. Also, there are certain matters which by their very nature cannot be raised as questions of privilege, e.g., the refusal of a Minister to answer a question. The Hon. the Minister for Agriculture had no doubt made a statement

that the draft Bill relating to the beedi workers was ready, that it would be published shortly in the gazette, and that it would be taken up in the Legislature as early as possible subject to availability of time and the time-table of the Legislature before the General Elections. In regard to such an assurance in respect of a policy decision, no fixed programme could be laid down, as the process of implementation is conditional upon a number of factors, and such subjects by their very nature do take some time.

If a Minister has given an assurance on the floor of the House, it has been provided by the Assembly Rules that such assurances shall be dealt with by the Committee on Government Assurances. It is the main purpose of this Committee to examine and report to the House whether there is any inordinate delay in the implementation of assurances. In an interim reply received on the 10th December 1956 with reference to the assurance given in October 1956, the Government stated that the question of bringing in the legislation in question was under consideration. Further, the Minister has reiterated that the matter is being pursued. It does not therefore appear that the matter has been dropped.

The letter to me in which the Member gave notice of the motion may be placed before the Committee on Assurances or, if the Member is not pleased with the policy of the Ministry in a particular respect, he can bring in a motion under rule 54 (1) of the Assembly Rules disapproving such policy.

Therefore, delay in implementing an assurance cannot be raised as a matter of privilege.

So, I rule the motion out of order.

SRI M. KALYANASUNDARAM : ஸார், காரியதரிசிகள் பேரில் இருக்கக்கூடிய புகாரை விசாரிப்பதற்கு மந்திரி அவர்கள் என்ன உறுதி சொல்லுகிறார்கள் ? எனக்கு வேண்டியது இந்த பீடித்தொழிலாளர்களுக்கு அவசரமாக இயற்ற வேண்டிய இந்த சட்டத்தை கொண்டு வந்து அமுலாக்கப்படவேண்டும் என்பதுதான். சட்டப்படி வேறு எந்த முறைகளிலாவது இதை சட்டமாக நிறைவேற்றவேண்டும் என்பதுதான் என் கோரிக்கை.

THE HON. SRI C. SUBRAMANIAM : கனம் அங்கத்தினர் சொன்ன யோசனையை என் சக அங்கத்தினருக்கு சொல்லுகிறேன்.

IV.—GOVERNMENT MOTION.

(1) MOTION UNDER RULE 21 (3) OF THE ASSEMBLY RULES *re* CHANGE IN THE ORDER OF BUSINESS.

THE HON. SRI C. SUBRAMANIAM : Sir, I move—

" That under Rule 21 (3) of the Assembly Rules, the House do proceed to consider the Madras Appropriation (Vote on Account) Bill, 1956, before the Madras Appropriation (No. 6) Bill, 1956."

The motion was put and carried.